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EXAMINER				
VAN BRAMER, JOHN W				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/915,049

Applicant(s)

DIEBERGER ET AL.

Examiner

John Van Bramer

Art Unit

3622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 13, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on March 13, 2008, cancelled claims 7, and 17. No new claims were added and claims 1, 16, and 18-20 were amended. Thus the currently pending claims are 1-6, 8-16, and 18-20.

Claim Objections

2. The amendment filed on March 13, 2008 has corrected the deficiencies of Claims 17-19 identified in the Office Action dated August 23, 2007 by cancelling claim 17 and amending the dependency of claim 18. Thus the objection is hereby withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8, 9, 13-16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyd (U.S. Patent Number: 6,484,148).

Claim 1: Boyd discloses a method for displaying content on a display device:

- a. Retrieving a plurality of rules, each rule associated with controlling the display of content, wherein the content is provided by a content provider. (Col 9, lines 25-67; and Col 13, lines 22-37)
- b. Updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency identification tag and an infrared tag. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- c. Triggering at least two rules of the plurality of rules by the plurality of device parameters. (Col 7, lines 25-57; Col 8, lines 23-65)
- d. Executing the at least two triggered rules in response to the detection of the radio frequency identification tag or the infrared tag be detected. (Col 7, lines 25-57; Col 8, lines 23-65; and Col 10, 11-14)
- e. Preventing the display of a second portion of the content according to a second rule of the two triggered rules. (Col 9, lines 25-67; and Col 13, lines 22-37)
- f. Determining a fee according to the first rule of the triggered rules, wherein the content provider is charged a fee. (Col 7, lines 25-57; Col 8, lines 23-65)

Claim 2: Boyd discloses the method of claim 1, wherein at least one rule is defined by the content provider to dynamically control the display of the content according to the device parameters. (Col 8, lines 23-65)

Claim 3: Boyd discloses the method of claim 1, wherein the step of executing the at least one triggered rule further comprises the step of receiving a rule trigger from one of a location handler and a signal handler. (Col 7, lines 25-57; Col 8, lines 23-65)

Claim 4: Boyd discloses the method of claim 3, wherein the step of receiving a rule trigger from the location handler further comprises the step of updating a positional parameter. (Col 12, lines 14-40; and Col 13, lines 29-37)

Claim 5: Boyd discloses the method of claim 3, wherein the step of receiving a rule trigger from the signal handler further comprises the steps of:

- a. Interpreting an input signal (Col 6, lines 35-58)
- b. Generating a programmatic event flag (Col 6, lines 35-58)

Claim 6: Boyd discloses the method of claim 5, wherein the step of generating a programmatic event flag further comprises the step of generating one of a reply signal and the rule trigger. (Col 6, lines 35-58)

Claim 8: Boyd discloses the method of claim 1, wherein the step of determining a fee further comprises the steps of:

- a. Determining a value for each of the device parameters (Col 8, lines 23-65)
- b. Determining at least one device parameter satisfying the triggered rule (Col 8, lines 23-65)
- c. Determining the fee according to value of the device parameters satisfying the triggered rule. (Col 8, lines 23-65)

Claim 9: Boyd discloses the method of claim 8, further comprising the step of charging the fee to a client providing content to be displayed. (Col 8, lines 23-65)

Claim 13: Boyd discloses the method of claim 1, wherein the fee is charged to a user for the use of the display. (the user is the advertiser using the service) (Col 8, lines 23-65)

Claim 14: Boyd discloses a method for displaying content on a mobile display device:

- a. Retrieving a plurality of rules stored in the mobile display device from a rule server. (Col 9, lines 43-63; and Col 13, lines 22-37)

- b. Determining a value for each of a plurality of device parameters. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65)
- c. Executing each rule satisfied by the device parameters, wherein the execution is in response to detecting at least one of a radio frequency tag and an infrared tag. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- e. Displaying content according to each satisfied rule, wherein a first satisfied rule specifies that the radio frequency identification tag or the infrared tag be detected and a second satisfied rule specifies a certain demographic determined based upon a product associated with the radio frequency identification tag or the infrared tag. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- f. Determining a monetary charge based on the content displayed and a value associated with the satisfied rules, which triggered the display of the content, wherein different rules having different values. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65)

Claim 15: Boyd discloses the method of claim 14, wherein at least one rule is defined by a content provider to dynamically control the display of the content according to the device parameters. (Col 8, lines 23-65)

Claim 16: Boyd discloses the method of claim 14, further comprising receiving a rule

trigger from a location handler and updating the positional parameter upon receiving the rule trigger from the location handler. (Col 7, lines 25-57; Col 8, lines 23-65; Col 12, lines 14-40; and Col 13, lines 29-37)

Claim 18: Boyd discloses the method of claim 14, further comprising:

- a. Receiving a rule trigger from a signal handler . (Col 7, lines 25-57; Col 8, lines 23-65; and Col 9, lines 26-63)
- b. Interpreting an input signal. (Col 6, lines 35-58)
- c. Generating a programmatic event flag upon receiving a rule trigger from the signal handler. (Col 6, lines 35-58)

Claim 19: Boyd discloses the method of claim 18, wherein the step of generating a programmatic event flag further comprises the step of generating a reply signal. (Col 6, lines 35-58; and Col 13, lines 5-67)

Claim 20: Boyd discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for displaying content on a display device, the method steps comprising:

- a. Retrieving a plurality of rules for the display of content, wherein the content is provided by a content provider. (Col 9, lines 43-63; and Col 13, lines 22-37)
- b. Updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency

- identification tag and an infrared tag provided to at least one spectator. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- c. Determining a rule trigger for triggering at least one rule of the plurality of rules according to the plurality of device parameters. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65)
 - d. Executing a trigger rule for causing the display of the content on the display device, wherein the triggered rule specifies that the spectator be detected, wherein the spectator is detected by a receiver which detects the radio frequency identification tag or the infrared tag provided to the spectator. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
 - e. Determining a fee according to at least one device parameter upon executing a rule for the display of content, wherein the content provider is charged the fee (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65), wherein the method step of determining a fee further comprises:
 - i. Determining a value for each of the device parameters. (Col 8, lines 23-65)
 - ii. Determining at least one device parameter satisfying the triggered rule. (Col 8, lines 23-65)

- iii. Determining the fee dynamically for each display of the content according to value of the device parameters currently satisfying the triggered rule. (Col 8, lines 23-65)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (U.S. Patent Number: 6,484,148).

Claims 10 and 11: Boyd discloses the method of claim 8, further comprising the step of apportioning fees (Col 8, lines 23-65). However, Boyd is silent with regard to various permutations in which fee apportionment might entail. The teachings of Boyd describe the display system itself and not who owns and operates the display system. It would have been obvious to one of ordinary skill in the art at the time of the invention that the service provider (entity that runs, operates and/or owns the display device) would need to reimburse the third party carrier (i.e. taxi company, billboard owners, etc) for allowing them to put the

display on the carrier's physical property (i.e. taxi cabs, etc.). One would have been motivated to institute such a reimbursement in order to provide the third party carrier with an incentive to install the display to help in the defrayment of operating costs.

Claim 12: Boyd discloses the method of claim 8, further comprising the step of apportioning the fees (Col 8, lines 23-65). However, Boyd is silent with regard to various permutations in which fee apportionment might entail. The teachings of Boyd describe the display system itself and not who owns and operates the display system. It would have been obvious to one of ordinary skill in the art at the time the invention was made that when the device is sold as a stand alone device, in which various third party carriers (i.e. taxi companies, billboard owners, etc.) can purchase and install, a fee would need to be paid to the plurality of owners, by the service provider (entity that operates the advertisement distribution hardware), in order to be provided the opportunity to display advertisements on their mobile display unit. One would have been motivated to provide such a reimbursement in order to maximize the number of display units on which it can provide advertisements, and as a result maximize the fees it charges to entities wishing to advertise on the service.

Response to Arguments

7. Applicant's arguments filed March 13, 2008 have been fully considered but they are not persuasive.
 - a. The applicant argues that Boyd does not teach displaying a first portion of the content according to a first rule of the two triggered rules and preventing of a second portion of the content according to a second rule of the two triggered rules. However, Boyd discloses that the content can include multiple advertisements in Col 6, lines 50-52. Boyd further discloses preventing an ad from being displayed based upon various criteria in Col 13, lines 22-38. Thus Boyd discloses a situation in which a group of ads are selected for display which are targeted to men, at least 35 years old, with an income greater than \$80, 000. However a second rule is than checked. Is it during the winter months? If it is not during the winter months then prevent the snow blower ad from being displayed. Therefore, Boyd discloses the limitations of the claims as currently amended.
 - b. The applicant argues that Boyd does not teach "determining a monetary charge based on the content displayed and a value associated with the satisfied rules which triggered the display of the content, wherein different rules having different values". However, Boyd teaches in Col 8, lines 24-34 that the receiver can receive multiple signals and provides targeted advertising based upon the consumer profile that has indicates the highest value. Boyd further teaches that the consumer profile can be a composite

profile based upon an analysis of the multiple signals received in Col 8, lines 34-45. Finally Boyd teaches in lines 46-51 that the system performs a ranking function to determine the optimal ad to display and that the optimal ad is determined based upon the fees generated for displaying the ad and the match between the advertisement profile and the consumer profile. Thus Boyd teaches the determination of a value associated with the consumer profile (How closely the match is between the advertisement profile and the consumer profile.) and the determination of a monetary charge based on the content displayed (Fee generated for displaying) in order to determine the optimal ad for a given situation. Boyd further discloses in Col 13, lines 5-14, that additional charges are determined based upon the advertisements effectiveness. In response to the applicant claim that payment based upon the number of ad delivered that have been targeted to a consumer based upon sponsor determined criteria is not believed to be analogous to determining a monetary charge based upon the content displayed and a value of satisfied rules which triggered the display, the examiner disagrees. The ranking of the targeting criteria based upon the customer profile, location and time of day that is disclosed by Boyd are rules which are triggered to determine advertisements eligible for display. The optimization functions disclosed determine the monetary charges based upon these rules. Additionally, these charges are based upon how closely the advertisements match the

given criteria and as such are determined dynamically. As such, Boyd teaches the limitations of the claims as currently presented.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax

Art Unit: 3622

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JV

/J. V./

Examiner, Art Unit 3622

/Eric W. Stamber/

Supervisory Patent Examiner, Art Unit 3622